ANNO DECIMO TERTIO & DECIMO QUARTO

# VICTORIÆ REGINÆ.

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## *Cap.* lxvi.

An Act for continuing the Term of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for building a Bridge over the River* Severn, *at or near to the* Mythe Hill *within the Parish and near to the Town of* Tewkesbury *in the County of* Gloucester, *to the opposite Side of the said River in the Parish of* Bushley *in the County of* Worcester, *and for making convenient Roads and Avenues to communicate with such Bridge, within the Counties of* Gloucester *and* Worcester, and of another Act passed in the Seventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for altering, amending, and enlarging the Powers and Provisions of an Act relating to the* Tewkesbury Severn *Bridge and Roads*, for the Purpose of paying off the Debt now due on the said Bridge and Roads.

[15th *July* 1850.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for building a Bridge over the River* Severn, 4 G 4. c. 2.
*at or near to the* Mythe Hill *within the Parish and near to the Town*

*of* Tewkesbury *in the County of* Gloucester, *to the opposite Side of the said River in the Parish of* Bushley *in the County of* Worcester, *and for making convenient Roads and Avenues to communicate with such Bridge, within the Counties of* Gloucester *and* Worcester: And whereas another Act was passed in the Seventh Year of the Reign of
7 G. 4. c. 61. His said late Majesty King *George* the Fourth, intituled *An Act for altering, amending, and enlarging the Powers and Provisions of an Act relating to the* Tewkesbury Severn *Bridge and Roads:* And whereas considerable Sums of Money were borrowed on the Credit of the Tolls authorized to be taken by the said first-recited Act, amounting in the whole to the Sum of Eighteen thousand six hundred Pounds: And whereas the Trustees of the said Bridge and Roads afterwards borrowed of *Thomas Taylor* Esquire the further Sum of Thirteen thousand Pounds upon Mortgage of the said Tolls, and by virtue of the said secondly herein-before recited Act a Priority or Preference was given to him for the Payment of the said Sum and Interest thereon, and by virtue of the same Act a Priority was also given to the said *Thomas Taylor* in respect of any further Sum, not exceeding Three thousand Pounds, which he should advance to the said Trustees upon the Credit of the said Tolls, and the Sum of Three thousand Pounds was accordingly advanced by the said *Thomas Taylor*, and a Mortgage of the said Tolls was executed to him for the same: And whereas the said Mortgages for the said Sums of Thirteen thousand Pounds and Three thousand Pounds have been since duly assigned to and are now vested in *Joseph Longmore* Esquire: And whereas the said several Sums of Eighteen thousand six hundred Pounds, Thirteen thousand Pounds, and Three thousand Pounds, still remain due, together with Arrears of Interest thereon respectively: And whereas the said *Joseph Longmore*, as such Mortgagee as aforesaid, is now in possession of the Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings on the said Bridge and Roads, by virtue of a Judgment obtained in an Action of Ejectment in or as of *Trinity* Term, One thousand eight hundred and forty-three, and Possession thereupon had: And whereas the Term of the said recited Acts would have expired, but the same was by an Act passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present
11 & 12 Vict. c. 96. Majesty, intituled *An Act to continue certain Turnpike Acts for limited Periods*, continued in force until the End of the present Session of Parliament: And whereas, for the Purpose of paying off the Principal Monies and Interest due and owing on the Credit of the Tolls authorized by the said recited Acts or either of them to be taken, it is expedient that the said Acts should be continued for a further limited Period, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

and

and by the Authority of the same, That the said recited Acts respectively of the Fourth and Seventh Years of the Reign of His late Majesty King *George* the Fourth, and all the Tolls, Duties, Powers, Authorities, Privileges, Provisions, and Clauses therein contained, except such of them as are hereby varied, altered, or repealed, shall be and continue in full Force and Effect for and during the Term herein-after mentioned, in as full and ample Manner, and as effectually in all respects and to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Alterations, Variations, and Additions in this Act contained; and, subject to the Provisions herein-after contained, the additional Term, and the Tolls, Duties, Powers, and Clauses by this Act continued, granted, and enacted, shall be and the same are hereby made subject and liable to the Payment of all Monies now due and owing upon the Credit of the Tolls to be raised under the Authority of the said recited Acts or either of them, and the Interest thereof, and to the Rights and Remedies of the several Persons to whom such Monies or any Part thereof now are or is or may for the Time being be due and owing.

Provisions of recited Acts continued, but subject to Amendments made by this Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Tewkesbury Severn* Bridge and Roads Extension Act, 1850."

Short Title.

III. And be it enacted, That on the First Day of *October* next the said *Joseph Longmore* shall deliver up the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings on the said Bridge and Roads to the Trustees of the same Bridge and Roads, who shall thenceforth receive the Tolls which can be collected thereat; and if any Collector, Receiver, or other Person shall refuse or neglect to deliver up Possession as aforesaid of any such Toll Gates, Bar, Chain, Toll House, or Building, then such Collector, Receiver, or other Person may be removed therefrom in manner provided by any Law or Statute in force relating to Turnpike Roads in *England* for the Removal of any Collector or Receiver of Tolls discharged from his Office.

Mortgagee to deliver up Possession of Gates.

IV. And be it enacted, That the Balance which on the said First Day of *October* next shall be in the Hands of the said *Joseph Longmore*, and the Sum which shall be received by him for Tolls up to that Period, shall be applied towards paying the Interest due to the said *Joseph Longmore* on his said Mortgage Debts to the said First Day of *October* next.

Application of Balance in Hands of Mortgagee.

V. And be it enacted, That the Arrears which shall on the said First Day of *October* next be due to the said *Joseph Longmore* for Interest

Arrears of Interest to be extinguished.

Interest on his said Mortgage Debts, after Payment of so much of the Interest thereon to that Day as the Balance then in the Hands of the said *Joseph Longmore* (including all Sums to be received for Tolls for the Period up to the said First Day of *October* next) shall be sufficient to satisfy, shall be deemed and taken to be absolutely released and discharged, and the said *Joseph Longmore* shall not be entitled to receive any greater Amount than the Principal Money mentioned in his Mortgages, nor any greater Amount of Interest in respect thereof than is herein-after provided or directed to be paid, notwithstanding the Instruments creating such Mortgages shall specify any greater Amount of Interest.

Future Interest on Mortgage Debt.

VI. And be it enacted, That the Mortgage Debts due to the said *Joseph Longmore* shall from and after the said First Day of *October* next bear Interest at Three *per Cent. per Annum* only.

Power to give a Mortgage to T. Taylor in respect of a Debt due to him of 1,000*l.*

VII. And whereas the Sum of One thousand Pounds is now due to the said *Thomas Taylor* by the Trustees acting under the said recited Acts, as the late Treasurer of the said Bridge and Roads: Be it enacted, That the said Sum of One thousand Pounds shall be considered as a Debt due on the Security of the Tolls of the said Bridge and Roads, and shall bear Interest from the passing of this Act at Three *per Cent. per Annum*, and that the said Trustees shall make and deliver to the said *Thomas Taylor* a Mortgage of the same Tolls for securing the said Sum of One thousand Pounds, with Interest from the passing of this Act; and such Mortgage, or any Assignment or Transfer thereof, may be made in the Form, as far as the same may be applicable, and in such Manner, as is directed by any Law or Statute relating to Turnpike Roads in *England*, and shall be subject to such Provisions and Regulations as any other Mortgage or any other Assignment or Transfer of any Mortgage of Tolls or Turnpikes on the said Bridge and Roads is or shall be subject to; and the said *Thomas Taylor* shall rank *pari passu* with the said *Joseph Longmore* in respect of the Debts so due to him as aforesaid, and shall on the Receipt of such Mortgage give a Discharge to the said Trustees for the Debt in respect of which such Mortgage shall have been granted.

Power to take Tolls.

VIII. And be it enacted, That from and after the First Day of *October* next after the passing of this Act the Trustees acting under the said recited Acts shall, in lieu of the Tolls thereby authorized to be taken, demand and take at every Toll Gate, Bar, Chain, or Turnpike erected or to be erected under the Authority of the said recited Acts the Tolls following, before any Person, Carriage, Horse, Cattle, or other Beast shall be permitted to pass through the same; (that is to say,)

For every Foot Passenger, for each Time he or she shall pass through any such Toll Gate, Bar, Chain, or Turnpike erected

or

or to be erected on, across, or adjoining to the said Bridge, a Sum not exceeding One Penny:

For every Horse or other Beast of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Chaise, Calash, Chaise Marine, Curricle, Chair, Gig, Whisky, Caravan, Hearse, or other such Carriage, a Sum not exceeding Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches and upwards, a Sum not exceeding Four-pence, and where the Fellies of the Wheels thereof shall be of the Breadth of Four Inches and an Half and less than Six Inches, a Sum not exceeding Five-pence, and where the Fellies of the Wheels thereof shall be of the Breadth of less than Four Inches and an Half, a Sum not exceeding Sixpence:

For every Dog or Goat drawing any Cart, Truck, or other Carriage, a Sum not exceeding One Penny:

For every Horse or other Beast, laden or unladen, and not drawing, a Sum not exceeding Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, a Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Swine, Sheep, or Lambs, a Sum not exceeding Five-pence *per* Score, and so in proportion for any greater or less Number:

And the Provisions of the said recited Acts in reference to the Tolls therein mentioned shall apply to the Tolls hereby authorized to be taken in the same Manner as if such Provisions were repeated in and re-enacted by this Act.

Application of Tolls.

IX. And be it enacted, That, notwithstanding anything contained in the said recited Acts to the contrary, the Tolls to be received by the said Trustees on the said Bridge and Roads shall be applied in manner following; that is to say,

First, in paying the Expenses of obtaining and passing this Act, or incidental thereto:

Secondly, in paying the Expenses to be incurred by the said Trustees in the Management of the said Bridge and Roads, except the Expenses of keeping the same in repair:

Thirdly, in paying and discharging the Interest from Time to Time owing upon the Mortgages to the said *Joseph Longmore*, and upon the Mortgage to the said *Thomas Taylor* to be executed by virtue of this Act:

And lastly, the Residue of such Monies shall be applied in paying off annually, as far as the same will extend, the said Sum of One thousand Pounds so to be secured to the said *Thomas Taylor*, and

the said Mortgage Debts due to the said *Joseph Longmore*, and such Residue shall from Time to Time be apportioned between them respectively in proportion to the Amount of Principal Money due to them respectively.

Mortgagees to take possession for Payment of Interest only.

X. And be it enacted, That whenever and so long as the Interest due to the Thirty-first Day of *December* then last past shall be duly paid upon the Mortgages to the said *Joseph Longmore*, and upon the Mortgage to be granted under this Act within One Month thereafter, the said *Joseph Longmore* and *Thomas Taylor*, or either of them, or either of their Executors, Administrators, or Assigns, shall not be entitled to enter into possession of all or any of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Bridge and Roads; and when any Mortgagee entering into the Possession thereof shall have fully paid all Interest due to the Thirty-first Day of *December* then last upon the Mortgages then subsisting, and entitled to rank *pari passu* with his own Security, together with the Costs to which he may be entitled, he shall within Twenty-one Days thereafter render an Account to the Clerk of the Trustees, with proper Vouchers, and pay over any Balance to the Treasurer, and deliver up Possession of the said Toll Gates, Bars, Chains, Toll Houses, or Buildings to the Trustees, or to some Person appointed by them, anything in this Act, or in any Law or Statute in force. relating to Turnpike Roads in *England*, to the contrary notwithstanding.

Money not to be borrowed on the Credit of Tolls, &c. without Consent of Secretary of State.

XI. Provided always, and be it enacted, That it shall not be lawful for the said Trustees to borrow any Sum or Sums of Money on the Credit of the Tolls collected and received by virtue of the recited Acts and this Act, or on any other Security; or to make any Mortgage or give any Security for Arrears of Interest or other Monies owing, except to the said *Thomas Taylor* as aforesaid, without the Consent in Writing of One of Her Majesty's Principal Secretaries of State first obtained: Provided nevertheless, that a Recital or Statement of such Consent which shall be inserted in any Mortgage for securing any Money so borrowed shall, so far as respects any Person claiming under such Mortgage, or any Transfer thereof, be sufficient Evidence of such Consent; and in case such Trustees shall make any such Mortgage, with such Recital or Statement therein, without having first obtained such Consent, they shall be jointly and severally liable to indemnify the Tolls or other Monies out of which the Monies secured by such Mortgage shall be paid; and it shall be lawful for the Treasurer of such Road to sue for and recover such Money so paid by Action of Debt in any of Her Majesty's Courts of Record, with full Costs of Suit, to be taxed as between Attorney and Client.

XII. And

Repealing Provisions in recited Act as to Limitation of Actions.

XII. And be it enacted, That so much of the said first-recited Act as enacts that no Action or Suit shall be commenced against any Person or Persons for anything done in pursuance of that Act or the Act therein recited for regulating Turnpike Roads in *England*, under the Direction or Authority of the said Trustees, until Fourteen Days Notice in Writing thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed, and that every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere, and that the Defendant or Defendants in every such Action or Suit shall or may, at his, her, or their Election, plead specially or the General Issue Not guilty, and at the Trial thereof give the said first-recited Act and the said Act for regulating Turnpike Roads in *England*, and the Special Matter, in Evidence, and that if the Matter or Thing complained of shall appear to have been made under the Authority and in execution of the said first-recited Act or the said Act for regulating Turnpike Roads in *England*, or if any such Action or Suit shall be brought before Fourteen Days Notice in Writing given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid; or be brought and laid in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants, and that upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the Recovery thereof as any Defendant or Defendants hath or have in any Case by Law, shall be and the same is hereby repealed.

Commencement and Term of Act.

XIII. And be it enacted, That this Act shall commence and take effect from the passing thereof, and shall continue in force until such Time as all the Principal Sums so now due and owing on the Credit of the Tolls by the said recited Acts or either of them authorized to be raised, together with all Interest, shall have been paid off and discharged: Provided nevertheless, that this Act shall not continue in force longer than the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Roads not to be exempted from Provisions of any future general Act.

XIV. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved

improved Management of Turnpike Roads which may pass during the present or any future Session of Parliament.

Public Act.

XV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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